

PUBLIC HEARING

JUNE 26, 2013

A public hearing of the Council of the County of Kaua'i was called to order by Ross Kagawa, Chair, Public Works / Parks & Recreation Committee, on Wednesday, June 26, 2013, at 1:59 p.m., at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Tim Bynum
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo, Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

The Clerk read the notice of the public hearing on the following:

"Bill No. 2485 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE,"

which was passed on first reading and ordered to print by the Council of the County of Kaua'i on May 23, 2013, and published in The Garden Island newspaper on May 31, 2013.

The following communications were received for the record:

1. Skelton, Ray from General Contractors Association of Hawai'i, June 26, 2013
2. Serikaku, Gregg S. from Plumbing & Mechanical Contractors Association of Hawai'i, June 20, 2013
3. Dos Santos-Tam, Tyler from Hawai'i Construction Alliance, June 25, 2013
4. Hayashi, Clyde T. from Hawai'i LECET, June 26, 2013
5. Contractors Association of Kaua'i, June 26, 2013
6. Lardizabal, Al from Hawai'i Laborers' Union, June 25, 2013
7. Craig, Jeff from Dorvin D. Leis, June 26, 2013
8. Neumiller, Mike from Dorvin D. Leis, June 26, 2013
9. Acorda, Aaron from O'ahu Air Conditioning, June 26, 2013
10. Hirota, Brandon from O'ahu Air Conditioning, June 26, 2013
11. Itamura, Galen from O'ahu Air Conditioning, June 26, 2013
12. Sakata, Bret from O'ahu Air Conditioning, June 26, 2013
13. Nishimura, Lee from O'ahu Air Conditioning, June 26, 2013
14. Sakoda, Jay from O'ahu Air Conditioning, June 26, 2013

The hearing proceeded as follows:

Mr. Kagawa: Can you read the first registered speaker, please?

EDUARDO TOPENIO, JR., Admin. Assistant to the County Clerk: The first registered speaker is Glenn Ida.

Mr. Kagawa: Glenn, could you please come up and state your name. You have six (6) minutes total.

There being no objections, the rules were suspended.

GLENN S. IDA, Plumbers and Fitters Local 675: *Aloha*, Chair and members of the Kaua'i County Council. My name is Glenn Ida. I represent Plumbers and Fitters Local 675. My testimony was directed at the amendments to this proposed amended ordinance. I think my testimony at this point is out of order because it was supposed to be directed at the amendments that were proposed for this. No action has been taken yet. I see this is not part of your draft bill.

Chair Furfaro: You can give us testimony on the bill, if you would like to. From this public hearing, it will be then scheduled in a Committee meeting, and in the Committee meeting, you can expand other commentary.

Mr. Ida: I guess then I am not totally prepared to make any further comments because most of my research was done on the proposed amendments. I apologize for taking up your time. I would do more research on the bill and await the action on the amendments to this, if it passes or not. I will be prepared to come back again and testify at your next Committee meeting on this amended Chapter 14, Bill No. 2485. Thank you for allowing me to speak.

Chair Furfaro: Before you leave, Mr. Kagawa, we have questions from both Mr. Rapozo and Councilwoman Yukimura. You have the floor.

Mr. Kagawa: Councilmember Yukimura.

Ms. Yukimura: Mr. Ida, the bill before us—do you have a copy of it?

Mr. Ida: Yes, I do.

Ms. Yukimura: It proposes to amend the existing Plumbing Code. Those are not the amendments you want to talk about?

Mr. Ida: I am sorry. The proposed amendments that I reviewed were presented at another meeting on O'ahu. They were proposed amendments. When I reviewed further, they are not incorporated in this draft yet. I guess action has not been taken on those amendments. My testimony was directed to those proposed amendments, and I apologize for taking up your time.

Ms. Yukimura: I see. There are often times several waves of amendments. Sometimes Kaua'i County is for good or bad—we are behind. The ones that you heard on O'ahu may have been ones that are not yet—I guess Doug Haigh—not yet being proposed for Kaua'i.

Mr. Ida: Correct.

Ms. Yukimura: Are you okay with the ones that are being proposed? Or you need some time to look at them?

Mr. Ida:
content of the bill.

I need further time to review the rest of the

Ms. Yukimura:
in Committee next week?

Okay. If I am correct, this bill will show up

Mr. Ida:

In two (2) weeks, I believe.

Ms. Yukimura:

Correct, so you could come back.

Mr. Rapozo:

The week after.

Chair Furfaro:

Excuse me, specifically July 10th.

Mr. Ida:

July 10th, okay.

Ms. Yukimura:

Okay. Thank you very much.

Mr. Kagawa: Before I go to Councilmember Rapozo, I have been informed that you are probably correct if you are assuming some amendments are coming forth from Mr. Haigh. I have been informed by Staff that in my hand are actually some amendments that are going to be coming up in Committee, and you probably were aware of it, but it is not in the public hearing bill. You are correct. It is more appropriate to wait for Committee and wait until Mr. Haigh does his amendment requests and we can discuss it. Otherwise, we would be having a public hearing on an assumption that may not actually come through, right?

Chair Furfaro: You continue to have the floor. I think Councilwoman Yukimura would like to add something.

Mr. Kagawa:

Councilmember Yukimura, go ahead.

Ms. Yukimura: I am concerned that there are extensive amendments coming up after the public hearing.

Mr. Kagawa: My answer to that would be that it is allowed. Unfortunately, we have to just work with it. At least they are here, and I am telling them that what they probably received is probably coming forth in two (2) weeks.

Mr. Ida: It is not part of the body so it is not appropriate for me to address those issues.

Mr. Kagawa:

Thank you.

Ms. Yukimura:

I am sorry. Okay.

Mr. Kagawa:

Councilmember Rapozo.

Mr. Rapozo: Thank you. I guess I am a little confused. The amendment you are referencing, you said you saw that in O'ahu.

Mr. Ida:

Yes.

Mr. Rapozo:
specific bill?

Were they proposed for Kaua'i for this

Mr. Ida:

Yes.

Mr. Rapozo:

By whom?

Mr. Ida:

Mr. Haigh.

Mr. Rapozo: Staff, did this bill not—this amendment that we are looking at today, come from Mr. Haigh? We did not create this in the Council. This came as requested. That is a concern. Glenn, it is not involving you, but I want to clarify because I am confused if typically all of those amendments should have been in the bill that came to us. I am even more concerned now that maybe members of public who came from Honolulu paid their way to testify on amendments that have not even been—I have not seen an amendment, so that is of concern, but I guess when Mr. Haigh comes here in two (2) weeks we can address that with him.

Chair Furfaro: I will share with the Staff that Mr. Haigh will be here to see me tomorrow. This confusion is not acceptable.

Mr. Ida:
of order at this point.

Maybe a lot of testimony then would be out

Chair Furfaro:
we will get to the bottom of it.

I understand your point. I appreciate it, but

Mr. Ida:
time.

Thank you very much. I appreciate your

Mr. Kagawa:

Councilmember Yukimura.

Ms. Yukimura: Another option is for us to receive the amendments and then schedule another public hearing, too. My thought is that we really should have everything, at least that the Administration is going to suggest before we go to public hearing so then the public is really clear of what is before us.

Mr. Kagawa:
with the Chair.

I guess I will leave that—I will discuss that

Ms. Yukimura:

Yes.

Mr. Kagawa: The good thing for me is that I see a lot of people from the Unions that are here, so they know that on July 10th, these amendments are probably coming forth. The amendments are what I think they have concern with.

Ms. Yukimura: If there is going to be input from the public and from the unions today on those amendments, we should have a copy of those amendments. At least we can refer to them because otherwise, as Mr. Ida said, it is hard for us to have a point of reference.

Chair Furfaro: Quite honestly, Chair. If I can be recognized, I did receive a call from a gentleman that is associated with the building and construction trade, and he shared with me that they were looking at some other amendments. I did share with him that the public hearing was today. But certainly, I am not pleased with this outcome. If there are significant changes yet to be introduced, this Council needs to be able to deal with the right information to make the right decisions. I will follow up with Mr. Haigh tomorrow, and I will make contact with you as Chairman of the Committee of what the status is of that.

Mr. Kagawa: Thank you, Chair. Any more questions? Next registered speaker. Welcome, Al. It is unusual that I would see you twice in one (1) week. Welcome.

AL LARDIZABAL: Chairman Furfaro, Vice Chair Nakamura, Councilmember Rapozo, Councilmember Kagawa, with whom I had a pleasure of working with your father for eight (8) years and Mr. Malapit. Councilmember Bynum, former Mayor Yukimura, and State Senator extraordinaire, Mr. Hooser. *Aloha*. It is nice being at the Historic Building again. It brings back memories of wonderful times. But this is serious business that we have today. We are talking about the County Plumbing Code. You do have submitted written testimony and several pictures to show what we do. On behalf of Mr. Peter A. Ganiban, Business Manager Sector Treasurer, the offices of the Hawai'i Laborers' Union, we appreciate this opportunity to testify on Bill No. 2485, known in short as the Kaua'i County Plumbing Code. The Hawai'i Laborers' Union is one (1) of the four (4) basic trades that constitute the Hawai'i Construction Alliance and some fifteen thousand (15,000) members. Local 368 was formed more than fifty (50) years ago to perform construction and related work for decades in Hawai'i. We are part of the Laborers' International Union of North America with about six hundred thousand (600,000) members nationwide and growing. We would like to thank Mr. Haigh and his staff of the County of Kaua'i Building Division for working on the draft plumbing code. It is a complex document. There are enforcement issues and jurisdictional issues, et cetera. We give him credit for that. It is not an easy task; however, at the outset we must tell you that we strongly support the amendments to proposed amendments to come later to the Kaua'i Plumbing Code in the letter dated June 26th, 2013, from the General Contractors' Association, sign by Mr. Ray Skelton, Chair of the committee. They have articulated sound reasons for three (3) major amendments to the Kaua'i Plumbing Code. We believe that there will be more. We believe also that some Kaua'i based general contractors have concerns about the proposed ordinance and have submitted written testimony accordingly. The Hawai'i Laborers' Union expresses serious concerns about the absence of certain key words that were not included in Bill No. 2485 in Section 105.3.1.3, entitled to whom plumbing permits may be issued. This could lead to confusion. The words "water," "irrigation," and "gas lines" were absent. We speak to water and irrigation at this time. The Hawai'i Laborers' Union have been installing with expertise, types of various sizes for sewer, water drains, and irrigations for decades under the supervision of the General Contractors. I will not read the rules to you. We do understand that the Building Department will provide testimony for Section 105.3.1.3 and others to correct.

Mr. Kagawa: Al, that is your first three (3) minutes. You have three (3) more.

Mr. Lardizabal: Thank you. The core functions of this water and irrigation trades are indeed part of the law. We must stand on the record as

protesting vigorously to the exclusion of the words of "water," "irrigation," and "gas lines." In misinterpretation, the rules could mean loss of employment opportunity for qualified members of the Hawai'i Laborers' Union on Kaua'i. This could mean a higher cost for contractors in terms of delays, higher wages and benefits. This could mean higher consumer costs and increased cost to the County if it is a County project. This could also mean that the taxpayer could pay more for a pipe land task when there is no need to do so. We appreciate the opportunity to submit testimony in Bill No. 2485. We ask for the consideration of the County Council in reviewing the merits of proposed amendments by the UCA in treating our concerns. What we need is an ordinance that does not take jobs away and an ordinance that has clear rules that the trades and County can follow, and not argue. We have vigorous, strong support for the UCA proposals. We thank you very much for this opportunity.

Mr. Kagawa: Thank you, Al. Any questions for Al? Chair Furfaro.

Chair Furfaro: Al, thank you very much. It is good to see you, as well. I want to make sure—I am sharing this publicly so that the County Attorney Mr. Castillo can reflect back on the Administration. The fact of the matter is that I have just checked with my Staff and any request of other amendments should have come through one of the Councilmembers here to get on the agenda. To date, I see no additional requests. I will spend some time to pursue this tomorrow. I would ask the County Attorney to please do some beneficial communication for all of us and that they understand the procedure and the requests to the Council.

Mr. Lardizabal: Thank you. All we want as you want too is a clear rule that portrays and you can follow; black and white. Do not make it an insurance policy where you have to read between the fine lines. Thank you.

Chair Furfaro: Thank you very much for pointing out the need for clarity.

Mr. Kagawa: Any more questions for Al? Next registered speaker.

TYLER DOS SANTOS-TAM: My name is Tyler Dos Santos-Tam. I am the Executive Director of the Hawai'i Construction Alliance, which is the umbrella group that the laborers are part of, as well as the carpenters, masons, and operating engineers. I guess there is some confusion today over amendments and where those should come from, but what I am here to share with you is that as this bill moves forward, whether it is in the Committee hearing on July 10th or sometime between now and then, we would be in support of those three (3) amendments that Al just talked about. I do not want to belabor the point but the Plumbing Code is something that affects everyone, from the moment they wake up and wash their face in the morning to the time that they cook dinner for their family and brush their teeth before bed. We want this to do a code that is fair, that is respected, and free of conflict and controversy...this hearing notwithstanding. The first amendment would ensure that the longstanding industry practice, whereby the General Contractors are allowed to do water, irrigation, and gas work in addition to sewer and drain work, remains in the code; that would be in part six (6) of Section 105.3.1.3. This is all in my written testimony, which I submitted as well. The second amendment would clarify in Section 105.8, that beyond five (5) feet from the building line that a Class "A" General Engineering Contractor is allowed to

perform exterior piping work without being supervised by a licensed plumber. This is a longstanding industry practice. It is in the State Hawai'i Administrative Rules (HAR) and we want the County Code to reflect that language so that there is no confusion, so someone cannot point to the Plumbing Code of Kaua'i County and point to the State code, and see that they are saying two (2) different things. We want them to stay the same thing. The third amendment would be to the definition section. It would build upon that second amendment by clarifying that in the definition of "plumbing work" that where plumbing work is concerned outside of five (5) feet from the building line, that an A contractor or any properly licensed contractor can do that kind of work. Those are the three (3) amendments that we would propose that a Councilmember maybe bring up, or the Administration bring to the Council so that they will be in line with State regulations, and that there will be clarity and consistency between what the County's rules are and what the State's rules are. Thank you.

Mr. Kagawa: Thank you, Tyler. Questions?
Councilmember Hooser.

Mr. Hooser: As you can see, we started out a little clumsily. It is unclear to me where this proposal came from and what the purpose of it is. Have you or the organization met with the Director of Public Works?

Mr. Dos Santos-Tam: Yes, members of our organization have been in touch with them. Actually, the person who is taking lead on this, much to her credit, is sitting behind me, which is Shannon Alivado. Perhaps, she will be able to come up and provide some further clarification on this.

Mr. Hooser: I guess because there seems to be a difference of opinion. I would think that since the Director of Public Works...it is his *kuleana* that the stakeholders would get together with the Director of Public Works and maybe come up with a unified position, if you would, that the Director of Public Works believe is good for the County. Then the various stakeholders could accept as being good for them also. I do not know if that is possible or not.

Mr. Dos Santos-Tam: I certainly hope that is possible and I certainly hope there would be a good outcome and that outcome would include these three (3) amendments.

Mr. Hooser: Thank you very much.

Mr. Dos Santos-Tam: Thank you.

Mr. Kagawa: Any more questions? Chair Furfaro.

Chair Furfaro: I hope you followed my discussion. Perhaps there is no plan from the Building Division to introduce the amendments you are making reference to because they certainly need to understand our procedural protocol, which is the fact they should have made that request if these additional amendments are coming. I would probably indicate that it is not appropriate for us to ask for a July 10th Committee date on this, at this point, until we first clarify that question. Are they intending for additional amendments? As I pointed out to the County Attorney, they know those requests should have been made by us, by request to a particular Councilmember, and it does not look like we have those

requests. You have mentioned the 10th of July—that will be a separate discussion after we come back in order.

Mr. Dos Santos-Tam:

Okay.

Mr. Kagawa:
speaker.

Thank you, any more questions? Next

SHANNON ALIVADO: *Aloha*, Chair, Vice Chair, and members. My name is Shannon Alivado on behalf of the General Contractors Association. I thank you for this opportunity. I apologize for any confusion and certainly apologize for any mishap on the procedural process of bringing forth any amendments. I will share with the Council that we have been in conversation with Mr. Haigh. We have shared these amendments with him. He looking over them and I think he is received the comments from Plumbing and Mechanical Contractors Association of Hawai'i (PAMCA), which all of you have received as well, of their concerns with the proposed three (3) amendments. As the previous speakers have spoken, they directed their comments about the proposed amendments and these are amendments that we are looking at and wanting to work with the Council and the Administration in trying to see how we can address what we think is a problem about how the code is being enforced in the field; how we think it is stalling projects; adding costs to projects; and certainly, I think all of us can understand both on the private and public side that the delay of construction causes jobs and causes owners money. This is a solution that we are trying to work with Doug, work with the Council—hoping to work with the Council in trying to resolve that. If you would please oblige my testimony, if I could just speak on those three (3) points, I would really appreciate it. I really want to hone in on the fact that I think what our members both from Kaua'i and other jurisdictions are experiencing is work being stopped because of the question of whether or not an A General Contractor can perform piping related work five (5) feet outside of the building. I think if you see in Proposal No. 3, we proposed to retain the definition of "plumbing work." The current bill, what it is proposing to do is eliminate the definition of "plumbing work." In the bill, there are three (3) references that I found where "plumbing work" is referenced. First in the Scope on page 1, second on page 16 under Plumbing Contractor, and there is one (1) more place that I cannot place right now. By deleting the definition of "plumbing work," that leaves the question open of "what does it mean?" When we look at plumbing work, it reverts back to what is in the Admin rule and what is governed by the Statute. What we are proposing in our No. 3 is the phrase taken straight from the Admin rule, which references the five (5) feet rule, and we think with this addition to the code, there will be no question; there will be no stoppage of work, where the inspector comes out and says, "No, you guys cannot be performing this work. You guys need a plumber to sign off or we have to stop this project. We have to see what the Contractors Licensing Board (CLB) interprets as to what the A General Contractor can do." I have a list of over ten (10) interpretations by the CLB, which dates back to 1991 where they held that an A General Contractor— with these examples, we reflect there is a longstanding history. I think that Tyler alluded to that. There is a history that dates back to 1973. I got confirmation from the Electricians and Plumbers Board that this five (5) foot rule has been in place since 1973. We are talking over forty (40) decades of five (5) feet rule work performed outside of the building by the A General Contractor. What we really want to bring to the table is fairness and clarification. When these questions continue to come up, both at the County level, at the Contractors Licensing Board, it puts all of the General Contractors in sort of like a chill. It chills what they can perform and it is costing not only the taxpayer money, but

owners on private projects. Those are the main concerns that we hope that these proposed amendments will clarify. Whenever the appropriate time is to bring forth these amendments, we would really like to continue to be involved and to assist and possibly even talk with those that are opposing our amendments to see if there can be some solution. I think what we mentioned also in our testimony was that there has been attempts to eliminate this five (5) foot rule at the State level at the Electricians and Plumbing Board. When you talk about the forty (40) years of history and when you talk about that this has been on the books since 1973, to undo that, it will really affect the industry as a whole. Thank you very much for this opportunity.

Mr. Kagawa: Thank you. Members any questions?
Councilmember Yukimura.

Ms. Yukimura: Yes, thank you very much for your testimony. I am beginning to understand that the amendments are coming from you folks, and not the Administration.

Ms. Alivado: Yes.

Ms. Yukimura: Does anybody have them in writing?

Ms. Alivado: Yes.

Ms. Yukimura: Have you submitted them?

Ms. Alivado: Yes. They are there and they have the rationale behind them. I think the PAMCA's testimony—because he had an advance copy through the State Building Code meeting that was just held earlier this month, he attached it to his testimony in response to what he expected we would be proposing. I think that is where a lot of confusion comes.

Ms. Yukimura: I see, but thank you very much. It is appropriate for you folks at this time to recommend amendments that you would like to see. I see this was just passed out to us, that you actually have some wording to suggest.

Ms. Alivado: That is actually the PAMCA's testimony.
The General Contractors Association is...

Ms. Yukimura: Do we have the General Contractors...

Mr. Bynum: Are your amendments different?

Ms. Alivado: Yes, they are opposing our amendments.

Mr. Bynum: I see. The plot thickens.

Ms. Yukimura: I see, or our understanding increases.

Ms. Alivado: Yes.

Ms. Yukimura: Do we have copies—you are submitting them right now?

Ms. Alivado: No, I submitted them online yesterday, but I have extras that I can distribute to the Clerk.

Ms. Yukimura: Okay. If you have those, that would be great, and then we will study them before the Committee meeting.

Mr. Kagawa: Thank you. I think what happened was that we got flooded with a lot of E-mails regarding GMOs. I think we may have skipped through your amendments. If you have a hard copy, that would help. Councilmember Bynum.

Mr. Bynum: Yes, what I have gotten from reading the testimonies and listening to you is basically that this bill in its current state would restrict Class "A" Contractors in a way that has not happened before. The plumbing contractors may think that is a good idea. That is really the difference—plumbing... do you exclusively need a plumber for what, right? That is really the question here. Mr. Haigh is out of town for three (3) days but we are all interested in hearing from Public Works on their recommendations, but I think you have outlined the main issue. Is that right?

Ms. Alivado: I do not want to speak for the plumbers or the Association of Plumbers, but I want to clarify I do not think that I do not think it is necessarily restricting, but we want to further clarify that not only can the "A" General Contractor perform the piping work five (5) feet outside of the building, but not exclusive to the plumbers only. That is what we need clarified in the Bill, and I think if we can set that here in the code, then there would be less confusion out in the field when we are performing the work. I think that is what we hope, that this, if anything, a solution can be reached to address that.

Mr. Bynum: Thank you.

Mr. Kagawa: Chair Furfaro.

Chair Furfaro: Then we are all clear, if you folks had introduced the request for amendments to the Building Division or to Mr. Haigh, and he is out of town. I can understand that. The fact of the matter is that you are coming to testify on something that the Administration, although they may have it from you, they do not intend to introduce the amendment now by request.

Ms. Alivado: Yes.

Chair Furfaro: Those conversations will occur when it goes into the Committee meeting.

Ms. Alivado: Okay.

Chair Furfaro: I have to assume—that is why I will talk to someone in Building or Mr. Dill, that we do not have them because are they or are they not supporting the requests you made of them, so we are clear.

Ms. Alivado: Thank you, Chair. Yes, definitely.

Mr. Kagawa: Any more questions? If not, next registered speaker. Being that there are no more registered speakers, is there anybody in the public who wishes to speak? Come, step right up. State your name and you may begin.

HAROLD MCDERMOTT: This is my first time I am doing this. My name is Harold McDermott. I am a trainer/coordinator for the Plumbers and Fitters Local 675. I have been a plumber for thirty-nine (39) years and the thing that the Plumbing Code is very important to plumbers. Part of my responsibility is not only for the (inaudible) in the State of Hawai'i, but for every plumber since 2006, I created the competency class. In other words for a plumber, in order to get your license renewed you have to take another test or take a competency class. I was the one that they requested to do this competency class. I did it for 2006. I just finished with 2012, and I will do it again for 2015. That is for all islands and including every island. My class is the one that they teach. The thing that is really important and I am listening to what is being said here—I am sorry, I am a little nervous. One thing about the Code is when you looking at amendments, the way their amendments are written, I totally support the amendments that are there. I thought that was going to be the issue as far as those amendments. I have been dealing with those amendments for thirty (30) of my thirty-eight (38) years, since I started running jobs not only as a plumber, but a superintendent working on all islands. Every island that I go to is unique. If I come to Kaua'i, I better know what your amendments are and when I go to Maui, et cetera. In no time of the course of plumbing amendments have we talked about jurisdictional issues. Why are we bringing up jurisdictional issues when we are talking about the Plumbing Code? The plumbing code is for public health safety and welfare. We are going to start getting into who can do what and what can do. The Plumbing Code is for public health and safety and welfare to protect the people. We are advancing to the 2012 Code and we are going to have total differently issues on water conservation, reclaimed water, reused water, gray water, onsite treating water, and rainwater catchment. At no time in our plumbing history have we had that issue where in our residences, we are going to have two (2) sources of water. It is no longer clean water in and dirty water out. We need to keep the Code separate from any jurisdictional opinion. It is important that we attack the Code for what the Code is to protect public health and safety, regardless of who puts it in. That is basically all I had to say. Are there any questions?

Chair Furfaro: No, you did a great job.

Mr. McDermott: Thank you.

Mr. Kagawa: Any questions? Councilmember Yukimura.

Ms. Yukimura: Mr. McDermott, thank you very much for speaking up. Can you just explain to me this competency class?

Mr. McDermott: Okay. They passed a law in 2006, basically for the electricians. They get a license—I guess ten (10) to fifteen (15) years prior to that to keep up on the Code. As the Code cycle changes, the Code changes. What they did is say, "Plumbers, every time the Code..."—especially from 1997 to 2006, we had a big stretch there where our plumbers did not have to do a change. That is when the gray water came in. Basically, what they said is, "You either have to take a test with the current updates."

Ms. Yukimura: I see.
Mr. McDermott: "Here is what happened prior to the Code in 1997 and here is 2006. Here are the changes. You need to get into a class." The class is four (4) hours long.

Ms. Yukimura: I see. What is the acronym? What does it stand for just so that it helps to me to understand better?

Mr. McDermott: Competency class.

Ms. Yukimura: Oh, competency class.

Mr. McDermott: Yes. It is a State law that you either take a test to get your license renewed every two (2) years, or you take this competency class.

Ms. Yukimura: Okay. Your position on the Bill that is before us, which was presented by the Administration is that you support this Bill?

Mr. McDermott: As far as without the amendments, yes.

Ms. Yukimura: Yes.

Mr. McDermott: I agree with all of that.

Ms. Yukimura: As it is before us, you support that?

Mr. McDermott: Definitely.

Ms. Yukimura: If I try to understand what you are saying, you do not feel it is the role of the Bill to specify jurisdiction?

Mr. McDermott: Yes.

Ms. Yukimura: That it is the role of the Bill to say how installations would be safely installed as to public health and welfare?

Mr. McDermott: Health, safety and welfare because if we are doing it here in Kaua'i, why do we not do it on Hawai'i island or why not on Maui during their Code amendments? Why are we doing it here on Kaua'i?

Ms. Yukimura: In terms of the proposed amendments.

Mr. McDermott: In terms of the Code. Like I said, I have been here for thirty-nine (39) years and the Code is my bible when I am doing my work.

Ms. Yukimura: Yes.

Mr. McDermott: I have worked with every amendment and I have never seen anything that made a jurisdictional decision.

Ms. Yukimura: Thank you very much.

Mr. McDermott: Thank you.

Mr. Kagawa: Go ahead.

Mr. Rapozo: Are you from here or Honolulu?

Mr. McDermott: I am from Honolulu.

Mr. Rapozo: Are you going to be here in July 10th?

Mr. McDermott: I can be.

Mr. Rapozo: I just want to make sure because I do not want to ask questions today.

Mr. McDermott: I have other testimony that I was going to do. This was just a response.

Mr. Rapozo: Okay. I will wait for the next meeting.

Mr. McDermott: Thank you.

Mr. Kagawa: Anymore questions? If not, is there anybody else from the public who wishes to speak on this matter? Step right up. Please state your name and you may begin.

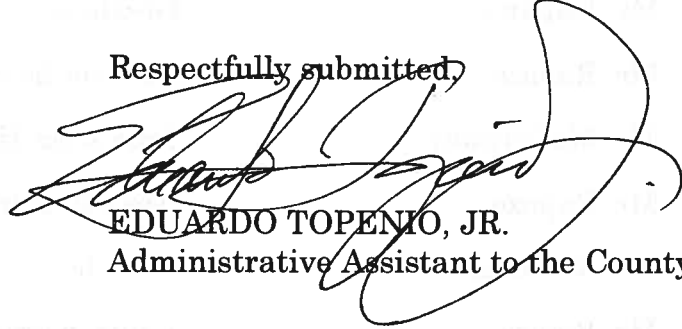
JOBY S. NORTH: Good afternoon, Council. Thank you for hearing me. My name is Joby North. I am with the Hawai'i Laborers' Union Local 368. As has been testified and commented on by various people in the room, I think we have the same common goals, which are public health and safety and getting people to work. I do not think anybody is out here trying to reinvent the wheel or change the way things have been being performed. Our General Contractors, who do hold the "A" license, have to date has never been a public safety or concern with the work that they have done. Moving forward, we do also provide training for our members that follow the Board of Water Supply or the County Water Supply Codes as they change and so forth. We are not trying to get into, as mentioned, a jurisdictional dispute or anything over anything, which rightfully so this is not the place for that to happen. We just want to have clarification that everything is stated out the way it has been and that it is supposed to be. We understand as it comes into the five (5) feet that has been mentioned, we have no concern with that over there. Like I said, we have always brought it all the way up to that point. The licensed plumbers have taken it from there. It has always worked. There has never been any issue for concern in that sense. Again, just to reiterate on what has been said before, that is all that we are looking for. As it states or as things may change and whatnot, it can get not clarified enough or cause confusion and so forth. That is basically what we are trying to say. I appreciate your time and thank you very much.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Kagawa: Thank you. Any questions for Joby? If not, anybody else from the public who wishes to speak on this matter? Seeing none, public hearing is now adjourned.

There being no further testimony on this matter, the public hearing adjourned at 2:37 p.m.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Eduardo Topenio, Jr.', is written over the typed name and title.

EDUARDO TOPENIO, JR.

Administrative Assistant to the County Clerk

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